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being illegal, a recovery may be had for goods sold thereunder and the question of corporate existence is merely collateral thereto and cannot be raised. *Connolly v. Union Sewer Pipe Co.*, 184 U. S. 540.

DAMAGES—INSTRUCTIONS.—Appellee sued appellant in an action for personal injuries and recovered damages in the trial court. The trial court in instructing the jury told them they might find a verdict for such an amount as in their judgment the evidence of the case warranted and enumerated certain things they might take into consideration, but did not give any instructions concerning contributory negligence, and the defense failed to ask for such. *Held*, that the instructions were good and correctly stated the rule of law which obtained in Mississippi as to guiding the jury. *Lindsay Wagon Co. v. Nix*, (Miss. 1915) 67 So. 459.

In the leading case of *B. & O. Ry. Co. v. Carr*, 71 Md. 135, the rule was laid down that an instruction which told the jury they might give such damages as in their judgment, under the circumstances, would compensate the plaintiff, was bad. The case held that the court "must inform the jury what was the true measure of damages, whether the point was taken or not." A jury, in other words, cannot use their own discretion in awarding damages, but must follow settled rules which the court must give them. *Chicago, E. & L. S. Ry. Co. v. Adamick*, 33 Ill. App. 412; *Chicago, B. & O. Ry. Co. v. Kuck*, 112 Ill. App. 620. In cases of personal injury, however, in some jurisdictions the strict rule is relaxed and it is held that if the jury are told that they may use their judgment "in view of all the evidence" that is sufficient. *Pittsburg C. C. & St. L. Ry. Co. v. Carlson*, 24 Ind. App. 559; *Gulf & S. I. Ry. Co. v. Nelson*, 82 Miss. 653; *Kelley v. Stewart*, 93 Mo. App. 47; *Boltz v. Town of Sullivan*, 101 Wisc. 608. Contra. *L. S. & M. S. Ry. Co. v. May*, 33 Ill. App. 366; *Louisville & N. Ry. Co. v. Mason*, 24 Ky. Law Rep. 1623. This case also holds, due however to a Mississippi statute, that the court cannot of its own accord instruct on points not asked for, whereas in *B. & O. Ry. Co. v. Carr* it was held to be the duty of the court to do so.

DAMAGES—MISTAKE IN TELEGRAM.—Plaintiff received the following message to be delivered, "Button pike eighty thousand francs." The agent of plaintiff delivered it to the agent of defendant to be transmitted under an agreement existing between the two companies. The words "Button pike," were code words indicating the sender and also containing an order to pay the sum later mentioned. In transmission a mistake was made, not in code parts of the message but in changing "eighty" to "eight." Due to this error the sender suffered large damages which he recovered from plaintiff who now sues for the mistake of the defendant. The action is brought in tort because of a statute in Nebraska making telegraph companies liable for all damages resulting from mistakes. *Held* defendant was liable for the whole damage. *American Express Co. v. Postal Telegraph-Cable Co. of Nebraska*, (Neb. 1915) 151 N. W. 240.

Due to the statute of Nebraska which made telegraph companies liable for all damages resulting from mistake or non-delivery of messages, and decisions